

July 26, 2018

Exhibit 6

TO: Environmental Quality Council  
FROM: Scott Benowitz, Member, Missouri Headwaters Gun Dog Club, MHGDC.org

SUBJECT: Comments on LC Dog 3

I offer the following comments on LC Dog 3:

General comment: This version of the bill does nothing to address how **training** bird dogs impacts wild birds on public or private land. My understanding is that issue was the primary reason for changing the existing dog training regulations.

Section 1 (2) – The definition of “Field Trial” is too inclusive. This definition would include any organized event, from a few friends getting together for an organized fun event to examine how their bird hunting dogs behave using game birds, to an organized event sanctioned by a national dog club such as the American Kennel Club (AKC), United Kennel Club (UKC), or National Shoot to Retrieve Association (NSTRA). Request this sub-section be modified to pertain only to a **nationally sanctioned organized event**.

Section 2 (2) – This language is overly broad and burdensome. For example, if a person training bird dogs uses captive-reared chukar in locations where wild birds of the same species cannot exist in the wild, differentiation of captive-reared birds versus wild birds is not needed; therefore, flagging or tagging does not accomplish its intended purpose. Request this section be modified to address these circumstances.

Section 3 (2) (b) – This sub-section abolishes “field trial” events on public land during this period regardless of whether wild game birds are present or not. This is overly broad and restrictive. Section 3 (4) and 3 (5) adequately address conservation of wild game bird resources year-round. Request sub-section 3 (2) be removed.

Section 3 (7) - This language is overly broad and burdensome. For example, if a person training bird dogs uses captive-reared chukar in locations where wild birds of the same species cannot exist in the wild, differentiation of captive-reared birds versus wild birds is not needed. Request this section be modified to address these circumstances, for instance on a case by case basis administered by the department and stated in the permit.

TO: Environmental Quality Council  
FROM: Scott Cleveland, Member, Missouri Headwaters Gun Dog Club, MHGDC.org

SUBJECT: Comments on LC Dog 3

I offer the following comments on LC Dog 3:

General comment: This version of the bill does nothing to address how **training** bird dogs impacts wild birds on public or private land. My understanding is that issue was the primary reason for changing the existing dog training regulations.

Section 1 (2) – The definition of “Field Trial” is too inclusive. This definition would include any organized event, from a few friends getting together for an organized fun event to examine how their bird hunting dogs behave using game birds, to an organized event sanctioned by a national dog club such as the American Kennel Club (AKC), United Kennel Club (UKC), or National Shoot to Retrieve Association (NSTRA). Request this sub-section be modified to pertain only to a nationally sanctioned organized event.

Section 2 (2) – This language is overly broad and burdensome. For example, if a person training bird dogs uses captive-reared chukar in locations where wild birds of the same species cannot exist in the wild, differentiation of captive-reared birds versus wild birds is not needed; therefore, flagging or tagging does not accomplish its intended purpose. Request this section be modified to address these circumstances.

Section 3 (2) (b) – This sub-section abolishes “field trial” events on public land during this period regardless of whether wild game birds are present or not. This is overly broad and restrictive. Section 3 (4) and 3 (5) adequately address conservation of wild game bird resources year-round. Request sub-section 3 (2) be removed.

Section 3 (7) - This language is overly broad and burdensome. For example, if a person training bird dogs uses captive-reared chukar in locations where wild birds of the same species cannot exist in the wild, differentiation of captive-reared birds versus wild birds is not needed. Request this section be modified to address these circumstances, for instance on a case by case basis administered by the department and stated in the permit.

July 8, 2018

Joe P. Kolman  
Environmental Policy Coordinator  
Legislative Services Division  
PO Box 201704  
Helena, MT 59620

Dear Mr. Kolman:

Thank you for the opportunity to comment on the draft proposal LCdog3. I am a member of the Missouri Headwaters Gun Dog Club and have participated in training activities and club-sponsored events including nationally licensed field trials for the past 30 years.

#### Section 1

The definition of “field trial” [Section 1(2)] is ambiguous. As stated, an ‘organized event’ could be a nationally licensed field trial or several dog owners getting together for an afternoon training session. For the purpose of this legislation, it should be narrowed to nationally licensed events sponsored by AKC, NAHRA, UKC or similar organizations.

Replace the definition “game bird” with “captive-reared game bird” to clarify that captive-reared game birds are used for training and organized events. MFWP regulations use the term captive-reared game bird

#### Section 2

No comment

#### Section 3

Currently, to conduct a field trial on public land, Montana FWP requires submission of an Application for Permit to Conduct Field Trial and a Restricted Use Permit (ARM 12.14.101 – 12.14.170). Further, it is under MFWP purview to approve or disapprove a request to hold an organized event. The permitting process outlined in LCdog3 Section 3 currently exist in the FWP regulations; Section 3 is unnecessary and should be deleted.

Section 3 (2)(b) prohibiting “field trials” on public land from April 1- August 31. Since MFWP has the authority to approve or disapprove an application for a field trial, this subsection with restrictive dates is unnecessary and recommend it be deleted.

It is my understanding that this legislation was a response to training activities in eastern Montana involving non-resident trainers bringing a large number of dogs into the state. It was also reported that the negative impact on wild game bird populations by these training activities was anecdotal not science based. As written, this legislation is unlikely to curb large training operations. However, it will curtail training activities by many residents who want to train their dogs on public lands during the summer months in preparation for the fall hunting season.

Greg Johnson  
gdj113@gmail.com

Jo Ann Kish

494 Lewis and Clark Trail  
Bozeman, MT 59718  
406-209-7473  
kishj597@gmail.com

July 3, 2018

Enviromental Quality Council

Dear Council Members,

This letter is reference to LC dog 3. This entire rule is a waste of time and taxpayer money. I am opposed to it. It is the result of a group of people who are ignorant in the ways of dog training and field trials trying to fix a problem. If you really wanted to solve the problem you would gather a group of amatuer and pro dog trainers, biologists and concerned citizens. Section 3 part 2 b that states” Field trials on public land are prohibited from April 1 through August 31.” It is completely unnecessary. If a permit is required to hold a trial at all then why is it necessary to specify a specific time when they cannot be held. Hosting a field trial from September 1 through March 31 is completely unworkable. Hunters in the field during hunting season which starts September 1 followed by long Montana winters effectively make it impossible to hold a field trial during this period. Judges and participants travel from Canada and a multitude of states to participate in dog trials. Clubs hosting such trials cannot afford to have a field trial fail as it will bankrupt the hosting club. I would wager that the amount of public land affected by field trials and dog training is a mere fraction of a percent of the total public lands in Montana. If necessary it would be prudent for FWP to designate an area of sufficient size and quality for dog training and trials in each region to limit potential impacts. This proposed rule has become nothing more than a political football for committee members to play their nasty little game of one upping the other. It is shameful. Go home!

Sincerely yours,

Jo Ann Kish

## **Fw: Lc3 dog training changes**

Priscilla Robinson

Fri 7/6/2018, 11:51 AM

To: Priscilla Robinson <ygspriscilla@hotmail.com>

Hi All,

this email has 3 attachments. One is from Scott Benowitz, one is from Kyle Barner, and one is from Jeff Herbert. They are in regard to the draft proposal LCdog3 proposed legislation. The MHGDC members and former members concern is that LCdog3 rule is saying that we cannot train on public land during the time from April 1 to August 31. that is the equivalent of saying "No training on Public Land". You as dog owners and trainers should take to heart this message.

I suggest that you read all the letters as they will give great insight into the bill, the concerns, the players, the current time line for action and a list of addresses. The mail being sent to the club members as BCC to protect your privacy. If you are concerned about this bill please contact the people mentioned in the letters with your concerns.

You may also attend the MHGDC board of directors meeting at the region 3 headquarters meeting room on the north side of the building. (July 10th 6:00 pm). Please send any concerns you have by Monday the 9th of July to the people that are listed (email and addresses)

Sincerely,



Sam Robinson MHGDC pres.

---

**From:** Kyle Barner <bigskybirddog@yahoo.com>

**Sent:** Thursday, July 5, 2018 9:10 PM

**To:** Priscilla Robinson; Samuel Robinson; Peter and Diane Bakun (pndbakun@msn.com); Dominique Savoie; Ron Adlington; Allan Gadoury; Scott Benowitz; Tom Roffe; Jim Hoschouer; Olivia Steele-Mortimer; David Atherton; Ed Woods; Ralph Sweet; Randy Setzer; Gregory Johnson; Cheryl Johnson; Scott Cleveland; Shannon Taylor; Tana & Conrad; Conrad Kradolfer; Randy Pearson; whitewater.gundogs@gmail.com

**Subject:** Re: Lc3 dog training changes

Good Evening all,

Priscilla's email was a BCC, I couldn't reply all who received her email, so I am sending it to all I could think of that are members of the club and I have an email address for. I'm sure there are many others who want kept in the loop, but it is the best I could do, so please send my email to whomever you wish if you think it would be fruitful-

Today, Sam and I both spoke to Bill Worden, who is a past MHGDC member and is a Montana Lobbyist.

Bill had spoken to Rep. Kerry White who is on the interim committee. Bill did not think it would be possible to "kill" the bill now. However, Bill said Kerry thought it might be possible to get at a



July 3, 2018

Joe P. Kolman  
Environmental Policy Coordinator  
Legislative Services Division  
PO Box 201704  
Helena, MT 59620

Dear Mr. Kolman,

The Helena Valley Gun Dog Club appreciates the opportunity to offer comments on the draft proposal LCdog3. We are an active club of 56 members and are avid gun dog owners and trainers, upland and migratory bird hunters and conservationists **concerned with the status of our wild bird resources and the quality of habitats that support them.** We have watched with a skeptical eye as this process has unfolded in a less than effective fashion and have previously offered both verbal testimony and written comments when possible.

The current proposal LCdog3 is an attempt to clean up existing statutory language with a focus on MFWP authorized field trial/hunt test activities. We support the majority of the proposed changes with one significant exception. We find the amendment offered in Section 3, (2)(b) related to field trials on public land to be unnecessary. Both Section 3 (3) and (4) clearly provide the Department the authority to approve or disapprove of an application for a specific event if it is deemed harmful to the wild bird resource. We are also aware of a specific situation at Headwaters State Park involving a long-term lease agreement between Missouri Headwaters Gun Dog Club and MFWP where tests and training on public land have been approved without issue. The proposed rule would significantly impact the MHGDC's ability to conduct tests that have been approved for many years. We believe that proposed Section 3, (2)(b) amendment should be deleted.

With that said, we would be remiss in not stating that the original issue that prompted this entire process remains a concern of ours. We are strong supporters of the public trust and the wonderful opportunities to hunt our wild game bird resources on public land. We also highly value our opportunities to train dogs during late summer on these same public lands in a fashion that doesn't impact these resources. We do believe that it would be prudent for the Department to document large-scale training operations that are focused on public lands. We still believe that a working group of stakeholders would be the best route for an effective long-term solution to the issues at hand.

Jeff Herbert, President  
Helena Valley Gun Dog Club  
[jefftherbert@gmail.com](mailto:jefftherbert@gmail.com)





TO: Environmental Quality Council

FROM: Scott Benowitz, Member, Missouri Headwaters Gun Dog Club, MHGDC.org

SUBJECT: Comments on LC Dog 3

I offer the following comments on LC Dog 3:

General comment: This version of the bill does nothing to address how training bird dogs impacts wild birds on public or private land. My understanding is that issue was the primary reason for changing the existing dog training regulations.

Section 1 (2) – The definition of “Field Trial” is too inclusive. This definition would include any organized event, from a few friends getting together for an organized fun event to examine how their bird hunting dogs behave using game birds, to an organized event sanctioned by a national dog club such as the American Kennel Club (AKC), United Kennel Club (UKC), or National Shoot to Retrieve Association (NSTRA). Request this sub-section be modified to pertain only to a nationally sanctioned organized event.

Section 2 (2) – This language is overly broad and burdensome. For example, if a person training bird dogs uses captive-reared chukar in locations where wild birds of the same species cannot exist in the wild, differentiation of captive-reared birds versus wild birds is not needed; therefore, flagging or tagging does not accomplish its intended purpose. Request this section be modified to address these circumstances.

Section 3 (2) (b) – This sub-section abolishes “field trial” events on public land during this period regardless of whether wild game birds are present or not. This is overly broad and restrictive. Section 3 (4) and 3 (5) adequately address conservation of wild game bird resources year-round. Request sub-section 3 (2) be removed.

Section 3 (7) - This language is overly broad and burdensome. For example, if a person training bird dogs uses captive-reared chukar in locations where wild birds of the same species cannot exist in the wild, differentiation of captive-reared birds versus wild birds is not needed. Request this section be modified to address these circumstances, for instance on a case by case basis administered by the department and stated in the permit.



minimum the "prohibited field trials on public land April 1 - August 31" removed from the bill at the July 25 meeting and both Bill and Kerry encouraged as many individual emails as possible to each of the 17 members of the Interim Committee.

Bill would work to get the amendment removed at the next July 25 interim committee meeting for \$1k. Bill didn't think it would do much good at this time given the short amount of time to the July 25 meeting.

If the bill moves to Legislative committee in January without the prohibited field trial dates removed, Bill would work on our behalf for a fee ranging from 1k-5k depending on the amount of time/meetings attended/phone calls etc. he thought would be required.

The long range and unforeseen consequences of this bill as it currently sits will have a big change to our dog games and training events.

I am again asking for everyone to take the time to send an email to the 14 legislative members before July 9, which is the cut off day for public comment.

I have cut and pasted the 14 email address's below.

I have also attached a pdf document from Scott Benowitz (with his permission) you could simply attach that or make you own.

winwithwhite@gmail.com; Sen.JP@mt.gov; mikephillips@montana.net; Rep.Janet.Ellis@mt.gov;  
scott@performance-ec.com; Rep.Willis.Curdy@mt.gov; rep.steve.gunderson@mt.gov;  
rep.bradley.hamlett@mt.gov; Rep.Theresa.Manzella@mt.gov; Sen.Mike.Lang@mt.gov;  
Sen.Cary.Smith@mt.gov; cvvincent@hotmail.com; Sen.Gene.Vuckovich@mt.gov  
Cc: jkolman@mt.gov

Thanks

Kyle- 406-595-6242

On Sunday, July 1, 2018, 1:00:54 PM MDT, Priscilla Robinson <ygspriscilla@hotmail.com> wrote:

Both Sam and Kyle contacted a lobbyist and he will be getting back to us early in the week regarding our discussion on Wednesday evening. We will send out more information next week. Have a happy Fourth of July  
Priscilla

Sent from my iPhone



Subject: LC Dog 3

Summary of My Comments on LC3 Dog Training Changes:

1. Delete the prohibition from training hunting dogs on state land between April 1 and August 31.
2. Explain to the public the problem you are trying to solve with the tagging of pen raised birds.
3. Develop an outreach effort to the general dog owning public on appropriate resource use to conserve wildlife.
4. Draft legislation via committees of stakeholders including hunting dog clubs, Pheasants & Quail Forever.

What problems does this legislation try to solve, will it actually solve anything, and who is really the driving force behind this draft. What effort was made to draft legislation with a committee including stakeholders. By the shock and amazement among the bird dog community, there appears to have been a real communication failure.

The bird hunting community is well aware of the nesting & chick brooding season. They are conservationists & support organizations such as Pheasant & Quail Forever that educate bird hunters about protecting the wild bird resource for the long run. A well trained hunting dog will not chase cows, elk, deer & antelope. That training can only happen in the field April 1 - August 31. To me and many other bird hunters, there is as much joy & pleasure in the time spent training our dogs as there is in the hunt.

Perhaps the problem is not with the bird hunting community, but the general dog owning public. What has the conservation staff done to educate the public about not letting dogs chase game or disturb chick brooding areas. Posters at feed stores, adoptions sites, booths at public events might be a start. It is the general dog owning public that decides to take their untrained, back yard dog for a off-leash walk in nature that chases game. Of course, it is much easier to stay in the office and write laws than it is to educate the public.

If concern is really about protecting brooding chicks, has the staff gone out and evaluated the quality of cover on public land. Over grazing by cattle on public land destroys far too much cover for brooding chicks. Is the cattle industry the driving force behind this draft because they just don't want the public on 'their' land?

What evidence has been produced including the statistical incidence of pen raised birds deemed not viable in Montana, such as quail, that have survived the winter or degraded the environment for the native wild bird population. What evidence has been produced including statistical incidence of wild birds accidentally being taken during organized training activities or competitions. I have never seen or heard of it.

I live in Montana because of the availability of natural resources which includes game & access to public land. This draft legislation drastically reduces my access, but will have will have minimal positive impact. It is the classic case of more laws on the books that are not well thought out and will have minimal impact.

Sincerely,  
Diane Simmons, Member MHGDC & NAVHDA Sharptail Chapter  
406-595-5370  
PO Box 1334, Ennis, MT

**From:** pat howe  
**To:** Kolman, Joe  
**Subject:** comments for bird dog training proposal and SJ9 report  
**Date:** Sunday, July 08, 2018 10:05:16 PM

---

Mr. Kolman,

Would you please forward this to the other committee members?

It has become very obvious that some members of the EQC still have not identified exactly what they are trying to accomplish because of the fact that there is no science behind the original complaints/accusations to actually act on. The obvious problem brought to light by those complaints is that the current law is a problem and that can be cleaned up by striking a few parts. The committee seems to be throwing ideas out to see what will stick. How else could a proposal never before seen or discussed be voted on and passed? The Montanans who happen to enjoy bird dogs or who make a living with bird dogs seem not to be heard. Montanans who took time off work or traveled hundreds of miles to attend meetings in person. Montanans who spoke out in public and on record because they are trying in good faith to help find a solution to alleviate concerns some folks have.

The word proactive is being used as a reason, but without facts and science how can actions be taken that will achieve positive results? Boating isn't banned or even limited though it is known there could be zebra mussels here. The public is told to clean, drain and dry, and boats are inspected because there is science that says it works to stop the spread of a scientifically documented problem. That is being proactive and it's done through educating the public. Dog training and field trials have taken place for decades with no ill effect on wildlife. Bird numbers go up and down, always have, always will. If training and field trials were harming birds, trainers would leave or not come back.

After all the public meetings FWP held around the state, where not one person attending from the public spoke in favor of more dog training regulations, where several people offered to take folks out in the fields to actually see what is going on, to my knowledge that invitation has not been accepted. After attending all but one EQC meeting (the one I missed I watched live) only one person so far, who happens to be a paid speaker for an organization, spoke in favor of adding more regulation. All other public spoken comments were against more regulation. Many people also stated they care deeply about the wildlife, as did many of the previous written comments.

How many field trials are even held on public land now? Why these dates for restriction? In fact, not all public land is even for wildlife, such as grass bank lands, though wildlife may benefit from it. How will the ban be enforced on public lands that are landlocked public land inside private land holdings? Would a permit be denied for the entire trial property or does someone from FWP once again need to attend, adding more time to FWP's work load?

As for me, I compromised by supporting proposal LCdog2 and was even praised for doing so at the last EQC meeting, even though parts of it were in my view an infringement on private property rights. Even though it is my view that the entire premise for all this is based on emotion and not science. The FWP director was even asked at the May EQC meeting if there was a problem with training during nesting season and the director stated not that she was aware of. After months of meetings I would think the director would have been brought up to speed on this issue by now and be able to answer accordingly one way or the other with a yes or no. I totally respect and believe the answer given, but with that answer there is no basis for the claims that were made, just speculation.

Regarding property rights and how ridiculous this is, if a landowner lets clubs run a trial on their property during the hunting season, clubs would still need a permit. Yet if landowners wanted, they could invite all the same people over to actually hunt (kill the birds) on their land and they could do so with no permit, they just need a hunting license. But the landowners don't do that because they respect the public's wildlife and so do the dog owners/trainers. If the field trials were harming the birds the landowners would not permit that either and trainers would leave because there would be no birds to train with. Field trials and dog training are a non-consumptive activity on wildlife. Those activities are not like a fishing tournament.

The council wanted to keep the field trial permit. I accepted that as well. FWP would know where every trial is and when. The LCDOG 3 proposal still has the permit but then the power is taken away from FWP to evaluate the request and just outright bans trials on public land all summer long and basically all year. Just imagine the complaints if a trial was to be held after August 31 on public land when a hunter came to hunt that piece and saw a field trial taking place on it? Yet that is what the proposal is asking dog clubs to do and FWP to approve if a club chooses to have a trial on public land. Unintended consequences are much more likely without science to act on.

This current proposal bans field trials from April 1 through August 31. A group of people who would be under an approved FWP permit to watch dogs work and compete for a few hours would now be under a blanket ban. Yet others using public land during that time period can cut hay, plow fields, drill an oil or gas well, graze cattle, graze sheep or horses all on those same lands and FWP is one agency that grazes horses on public land including WMA's. All these activities affect habitat on a longer term basis. There is even a shopping mall on public land with big box stores on it, such as on the section of state DNRC land in the Flathead Valley. I used to live near it. With all the open water from spring creeks and the lakes in the Flathead Valley that section was a huge gathering point for waterfowl and over the winter they would feed on the grain grown on the land. That will never happen again there. However, when folks leave the field trial grounds you will never know they had ever been there. I strongly oppose this LCDog3 proposal for the reasons mentioned in these comments.

With all the problems Montana is having to do with the environment from invasive species, CWD, habitat loss, declining hunter numbers that equal declining funds for

FWP, there are more important issues to tackle than spending this much time on two complaints. As I left the last meeting, I picked up one of the handouts The Effects of Mule Deer Buck Regulations on Mule Deer Populations and Harvest, 2018 by Jay Newell and Eric Meredith. On page 3 it says, and I directly quote, "Since FWP routinely hears requests or interest from sportsman's groups to increase buck harvest numbers and age structure with season restrictions it is important to have the most current information available to provide a scientific basis for discussions as to the advantages and disadvantages of hunting seasons that restrict harvest on mule deer bucks." Changing laws that restrict field trials/dog training should be held to the same standard!

Thank You for considering my comments.  
Pat Howe



**From:** Ralph Sweet  
**To:** [winwithwhite@gmail.com](mailto:winwithwhite@gmail.com); [Pomnichowski, Jennifer](mailto:Pomnichowski.Jennifer); [mikephillips@montana.net](mailto:mikephillips@montana.net); [Ellis, Janet](mailto:Ellis.Janet); [scott@performance-ec.com](mailto:scott@performance-ec.com); [Curdy, Willis](mailto:Curdy.Willis); [Gunderson, Steve](mailto:Gunderson.Steve); [Hamlett, Bradley](mailto:Hamlett.Bradley); [Manzella, Theresa](mailto:Manzella.Theresa); [Lang, Mike](mailto:Lang.Mike); [Smith, Cary](mailto:Smith.Cary); [cvvincent@hotmail.com](mailto:cvvincent@hotmail.com); [Vuckovich, Gene](mailto:Vuckovich.Gene)  
**Cc:** [Kolman, Joe](mailto:Kolman.Joe); [Laurie Sweet](mailto:Laurie.Sweet)  
**Subject:** Comments on LCDog3  
**Date:** Sunday, July 08, 2018 3:18:42 PM

---

EQC members:

Please consider the following comments on LCDog3.

**Request removal of sub-section 3(2) (b):** This sub-section is too restrictive and would abolish field trial events on public land during this time frame even if wild game birds are not present. Conservation of wild bird resources are already addressed in Section 3(4) and 3(5).

**Request modification of the following sections:**

Section 1(2): **Request changing this sub-section to include only nationally sanctioned organized events** (such as the American Kennel Club [AKC], National Shoot to Retrieve Association [NSTRA], or United Kennel Club [UKC]). The definition of Field Trial is too broad. As defined in the proposed bill, it could include anything from informal events to assess how bird hunting dogs respond using game birds to nationally sanctioned formal events.

Sections 2(2) and 3(7): This requirement is too broad and unnecessarily demanding when training bird dogs in locations where wild birds of the same species do not exist in the wild. **Request these sections be modified to be addressed on a case-by-case basis and specified in the permit.**

Thank you for the opportunity to provide comments on this proposed bill,

Ralph and Laurie Sweet

Members, Missouri Headwaters Gun Dog Club ([www.MHGDC.org](http://www.MHGDC.org))  
3368 S. 26<sup>th</sup> Ave.  
Bozeman, MT 59718  
(406) 580-8024  
[ralphsweet2@yahoo.com](mailto:ralphsweet2@yahoo.com)  
[lauriesweet81@gmail.com](mailto:lauriesweet81@gmail.com)

**From:** Greg Sievers  
**To:** [Pomnichowski, Jennifer](#); [mikephillips@montana.net](mailto:mikephillips@montana.net); [Ellis, Janet](#); [scott@performance-ec.com](mailto:scott@performance-ec.com); [Curdy, Willis](#); [Gunderson, Steve](#); [Hamlett, Bradley](#); [Manzella, Theresa](#); [Smith, Cary](#); [cvvincent@hotmail.com](mailto:cvvincent@hotmail.com); [Kolman, Joe](#); [Lang, Mike](#); [Vuckovich, Gene](#); [white@gmail.com](mailto:white@gmail.com)  
**Subject:** Dog training on public lands  
**Date:** Sunday, July 08, 2018 9:40:54 AM

---

Good day

I am a member of the Missouri Headwaters Gun Dog Club in Bozeman, Montana. Im an occasional dog training entheuthist and hunter. (draft proposal LCdog3 proposed legislation) Im surprised at this recent legislation to restrict dog training activities as it seems to carry with it so little common sense or specific details, or identify where issues have taken place.

I was a government employee for 25 years and dealt with hundreds of users, developers, citizen groups, contractors, etc. I took great pride in being fair and recommending modifications and variances to codes to the City Council. Most of which, Im proud to say, were approved.

Im requesting YOU apply the same logic here. Please ask your State & Local staff to identify those Out-of-State Professional users and curtail their use if there are problems in specific native wild bird locations. Ask your FWP staff to identify and recommend changes where specific "noteable and legitimate" issues take place.

Please do not pass sweeping legislation that negatively affects little local training groups like ours. I cant image the 160 acres we use has a native bird problem. Its surrounded by horse pasture and people run horses on the same land too.

Your thorough review and consideration would be appreciated.

Sincerely

Greg Sievers

250 Evening Star Lane

Bozeman, MT 59715

Memeber: MHWGDC

Missouri Headwaters Gun Dog Club

**From:** Kyle Barner  
**To:** [winwithwhite@gmail.com](mailto:winwithwhite@gmail.com); [Pomnichowski, Jennifer](mailto:Pomnichowski, Jennifer); [mikephillips@montana.net](mailto:mikephillips@montana.net); [Ellis, Janet](mailto:Ellis, Janet); [scott@performance-ec.com](mailto:scott@performance-ec.com); [Curdy, Willis](mailto:Curdy, Willis); [Gunderson, Steve](mailto:Gunderson, Steve); [Hamlett, Bradley](mailto:Hamlett, Bradley); [Manzella, Theresa](mailto:Manzella, Theresa); [Lang, Mike](mailto:Lang, Mike); [Smith, Cary](mailto:Smith, Cary); [cvvincent@hotmail.com](mailto:cvvincent@hotmail.com); [Vuckovich, Gene](mailto:Vuckovich, Gene)  
**Cc:** [Kolman, Joe](mailto:Kolman, Joe)  
**Subject:** LC dog 3  
**Date:** Thursday, July 05, 2018 8:58:19 PM

---

Hi to the members of the EQC interim committee,

My name is Kyle Barner- I am a Life member of Pheasant Forever and a board member of the PF Gallatin Chapter. I have donated countless hours and \$\$ to the upland habitat conservation cause both on my personal property as well supported public upland habitat in Montana. I clearly understand the importance of both private and public quality upland habitat.

I am also a 20+ yr. member of the Missouri Headwaters Gun Dog Club and an avid amateur spaniel and retriever trainer.

Though I have not attended any meetings/hearings, I have followed the dog training bill to where it sits now.

I understand that the cause for this bill was large out of state professional dog trainers in Eastern Montana.

It appears you have lost focus. I see nothing within the bill that would curtail that activity.

What is in the bill now, will impact mostly Montana residents who want to compete with their sporting dogs for the conservation of game and the betterment of their respective dog breeds.

I have been involved in the retriever and spaniel field trials and hunt tests for more than 20 years. I would love to have all of you come watch one of our events to judge for yourself.

The impact on nesting birds is of little to mostly no consequence, mostly due to the fact most of our training grounds are also our field trial grounds.

There is already a permit process in place that can and does handle the impact on nesting habitat at certain times of the year.

For the above reasons, I am asking this committee to remove it's last minute May 30th amendment "prohibit field trials on public land from April 1 to August 31".

Sincerely  
Kyle Barner  
406-595-6242

**From:** Tom Hooker  
**To:** [winwithwhite@gmail.com](mailto:winwithwhite@gmail.com); [Pomnichowski, Jennifer](#); [mikephillips@montana.net](mailto:mikephillips@montana.net); [Ellis, Janet](#); [scott@performance-ec.com](mailto:scott@performance-ec.com); [Curdy, Willis](#); [Gunderson, Steve](#); [Hamlett, Bradley](#); [Manzella, Theresa](#); [Lang, Mike](#); [Smith, Cary](#); [cvvincent@hotmail.com](mailto:cvvincent@hotmail.com); [Vuckovich, Gene](#)  
**Cc:** [Kolman, Joe](#)  
**Subject:** Comments on LC Dog 3  
**Date:** Monday, July 02, 2018 8:23:56 PM

---

EQC Members,

I offer the following comments on LC Dog 3:

The current version of the bill does not address how **training** bird dogs impacts wild birds on public land. My understanding is that issue was the primary reason for changing the existing dog training regulations.

Section 1 (2) – The definition of “Field Trial” is overly broad and general. Suggest this sub-section be modified to pertain only to a (nationally) sanctioned organized event.

Section 3 (2) (b) – This sub-section abolishes “field trial” events on public land during this period regardless of whether wild game birds are present or not. This is overly broad and restrictive. Section 3 (4) and 3 (5) adequately address conservation of wild game bird resources year-round. Request sub-section 3 (2) be removed.

Respectfully,

Tom Hooker  
Member, Missouri Headwaters Gun Dog Club  
Member, Bitterroot Valley Gun Dog Club  
178 Cattle Drive  
Victor, MT 59875  
[doghook@gmail.com](mailto:doghook@gmail.com)

**From:** Greg Lawson  
**To:** [winwithwhite@gmail.com](mailto:winwithwhite@gmail.com); [Pomnichowski, Jennifer](mailto:Pomnichowski,Jennifer); [mikephillips@montana.net](mailto:mikephillips@montana.net); [Ellis, Janet](mailto:Ellis,Janet); [scott@performance-ec.com](mailto:scott@performance-ec.com); [Curdy, Willis](mailto:Curdy,Willis); [Gunderson, Steve](mailto:Gunderson,Steve); [Hamlett, Bradley](mailto:Hamlett,Bradley); [Manzella, Theresa](mailto:Manzella,Theresa); [Lang, Mike](mailto:Lang,Mike); [Smith, Cary](mailto:Smith,Cary); [cvvincent@hotmail.com](mailto:cvvincent@hotmail.com); [Vuckovich, Gene](mailto:Vuckovich,Gene)  
**Cc:** [Kolman, Joe](mailto:Kolman,Joe); [jefftherbert@gmail.com](mailto:jefftherbert@gmail.com); [Sam & Priscilla Robinson](mailto:Sam&PriscillaRobinson); [bigskybirddog@yahoo.com](mailto:bigskybirddog@yahoo.com)  
**Subject:** Comments on LC Dog 3  
**Date:** Sunday, July 08, 2018 5:03:18 PM  
**Attachments:** [Benowitz Comments on LC Dog 3.pdf](#)

---

To All,

I am a member of the Missouri Headwaters Gun Dog Club (MHGDC) and I am communicating to you to support the concerns and requests expressed in the two attached letters. The first is addressed to Joe Kolman, Environmental Policy Coordinator, and was sent by Jeff Herbert, President of the Helena Valley Gun Dog Club. The second letter is addressed to the Environmental Quality Council and was sent by Scott Benowitz.

I regularly train my two hunting dogs with the MHGDC and as a relatively new resident to the State of Montana, I greatly appreciate the opportunity to associate with members devoted to the conservation and preservation of wildlife, which includes well trained hunting dogs.

I have read the LC Dog 3 proposal and I firmly agree with the recommendations made in the letters from Mr. Herbert and Mr. Benowitz. I particularly support Mr. Herbert's suggestion "that a working group of stakeholders would be the best route for an effective long-solution to the issues at hand." I know from more than 40 years experience working with governmental agencies that collaboration between public stakeholders and governmental decisionmakers produces the best results.

I strongly urge you to proceed with the suggestions from Mr. Herbert and Mr. Benowitz.

Thank you,

Greg Lawson

TO: Environmental Quality Council  
FROM: Scott Benowitz, Member, Missouri Headwaters Gun Dog Club, MHGDC.org

SUBJECT: Comments on LC Dog 3

I offer the following comments on LC Dog 3:

General comment: This version of the bill does nothing to address how **training** bird dogs impacts wild birds on public or private land. My understanding is that issue was the primary reason for changing the existing dog training regulations.

Section 1 (2) – The definition of “Field Trial” is too inclusive. This definition would include any organized event, from a few friends getting together for an organized fun event to examine how their bird hunting dogs behave using game birds, to an organized event sanctioned by a national dog club such as the American Kennel Club (AKC), United Kennel Club (UKC), or National Shoot to Retrieve Association (NSTRA). Request this sub-section be modified to pertain only to a nationally sanctioned organized event.

Section 2 (2) – This language is overly broad and burdensome. For example, if a person training bird dogs uses captive-reared chukar in locations where wild birds of the same species cannot exist in the wild, differentiation of captive-reared birds versus wild birds is not needed; therefore, flagging or tagging does not accomplish its intended purpose. Request this section be modified to address these circumstances.

Section 3 (2) (b) – This sub-section abolishes “field trial” events on public land during this period regardless of whether wild game birds are present or not. This is overly broad and restrictive. Section 3 (4) and 3 (5) adequately address conservation of wild game bird resources year-round. Request sub-section 3 (2) be removed.

Section 3 (7) - This language is overly broad and burdensome. For example, if a person training bird dogs uses captive-reared chukar in locations where wild birds of the same species cannot exist in the wild, differentiation of captive-reared birds versus wild birds is not needed. Request this section be modified to address these circumstances, for instance on a case by case basis administered by the department and stated in the permit.

July 3, 2018

Joe P. Kolman  
Environmental Policy Coordinator  
Legislative Services Division  
PO Box 201704  
Helena, MT 59620

Dear Mr. Kolman,

The Helena Valley Gun Dog Club appreciates the opportunity to offer comments on the draft proposal LCdog3. We are an active club of 56 members and are avid gun dog owners and trainers, upland and migratory bird hunters and conservationists concerned with the status of our wild bird resources and the quality of habitats that support them. We have watched with a skeptical eye as this process has unfolded in a less than effective fashion and have previously offered both verbal testimony and written comments when possible.

The current proposal LCdog3 is an attempt to clean up existing statutory language with a focus on MFWP authorized field trial/hunt test activities. We support the majority of the proposed changes with one significant exception. We find the amendment offered in Section 3, (2)(b) related to field trials on public land to be unnecessary. Both Section 3 (3) and (4) clearly provide the Department the authority to approve or disapprove of an application for a specific event if it is deemed harmful to the wild bird resource. We are also aware of a specific situation at Headwaters State Park involving a long-term lease agreement between Missouri Headwaters Gun Dog Club and MFWP where tests and training on public land have been approved without issue. The proposed rule would significantly impact the MHGDC's ability to conduct tests that have been approved for many years. We believe that proposed Section 3, (2)(b) amendment should be deleted.

With that said, we would be remiss in not stating that the original issue that prompted this entire process remains a concern of ours. We are strong supporters of the public trust and the wonderful opportunities to hunt our wild game bird resources on public land. We also highly value our opportunities to train dogs during late summer on these same public lands in a fashion that doesn't impact these resources. We do believe that it would be prudent for the Department to document large-scale training operations that are focused on public lands. We still believe that a working group of stakeholders would be the best route for an effective long-term solution to the issues at hand.

Jeff Herbert, President  
Helena Valley Gun Dog Club  
[jefftherbert@gmail.com](mailto:jefftherbert@gmail.com)







7/26/18

Environmental Quality Council  
1301 E. 6th Ave., Room 171  
P.O. Box 201704  
Helena MT 59620-1704

To Members of the Environmental Quality Council:

On behalf of the Sportsmen's Alliance and its Montana members, we would ask for your opposition to the proposal LCdog3 which revises bird hunting dog laws and as a result bans field trials in Montana on public land. Since 1978 the Sportsmen's Alliance has advocated for hunting, fishing and trapping and recognizes the importance of the revenue generated from these activities which fund conservation and wildlife management.

Currently, Montana law requires any organization seeking to hold a field trial on public land to apply to the Department of Fish, Wildlife and Parks at least 20 days prior to the event. The Department already has the discretion to deny the permit in the interest of any conflict with wildlife management. The proposed ban is a one size fits all solution that infringes on the rights of Montana hunters and field trailers who train their dogs on public land.

The proposal before the Environmental Quality Council seeks to prohibit the conducting of field trials on public lands from April 1 to August 31 of each year. The Bird hunting season begins in September and continues into the winter. By the time hunting season ends, any potential field trial test areas are either frozen or simply too cold to use. The proposal is, in effect, a year-round ban of field trials on public lands.

In summary, the proposal does not add any protection for wildlife that is not already available to the Department of Fish, Wildlife and Parks, while at the same time attacking the rights of law abiding sportsmen and women who are field trialing in areas that may not even be of concern for wildlife managers. It is for these reasons we hope you will stand with the Sportsmen's Alliance and oppose this proposal.

Regards,

Luke Houghton  
Associate Director of State Services



## Kolman, Joe

---

**From:** Gary Whitman <gary@whitmanandmurray.com>  
**Sent:** Wednesday, July 25, 2018 6:47 PM  
**To:** cvvincent@hotmail.com; scott@performance-ec.com; Kolman, Joe  
**Cc:** Hamlett, Bradley  
**Subject:** MT Env Quality Council-Ban Dog Field Trials on all State Lands

I am the secretary/treasurer of The Big Sky Chapter of North America Versatile Hunting Dog Association. I have held this position for 40 years.

In addition I have hunted birds and trained hunting dogs in Montana for 60 years. I find your proposed changes to rules pertaining to training bird hunting dogs not necessary for the following reasons:

- 1) Currently DFWP has discretion to deny permits for field trials to protect wild bird nesting.
- 2) Several other states in our region allow dog training and trials to begin on public lands in mid July or August 1st.
- 3) Game birds can fly by late July so can escape dogs if chased
- 4) dogs allowed to train in July and August are better prepared to hunt and retrieve wounded birds , thus fewer birds are lost or shot during hunting season.

Thank you for your consideration

Gary Whitman  
Secretary/Treasurer NAVHDA



Virus-free. [www.avast.com](http://www.avast.com)



AMATEUR FIELD TRIAL CLUBS OF AMERICA, INC.

2873 WHIPPOORWILL ROAD

MICHIGAN CITY, MISSISSIPPI 38647

July 24, 2018

Esteemed Members of the Environmental Quality Council,

I apologize for the lateness of these comments but was only notified yesterday of your meeting on July 26. The AFTCA is a 101-year-old organization representing member clubs and individuals from all 50 states, Canada, Mexico, and Japan (including Montana). We help organize, advise, and regulate amateur field trials for pointing dogs on all species of upland gamebirds. Our secondary mission is for the conservation, preservation, and habitat improvement of upland gamebirds for the continuation of the sport we love. Our competitions are non-consumptive. We use blank guns. Our purpose is to improve the genetic base for pointing dogs at all levels of ownership. Major strides have been achieved in my 40 years of participation in this sport. I have trained and competed with my dogs from Saskatchewan to Florida and from North Carolina to West Texas. Montana was on my bucket list. The National Amateur Pheasant Shooting Championship has been held in Montana for the last several years to great success. Our participants travel there from many states and Canada to compete. They uniformly applaud the vastness, beauty, hospitality, and availability of native game. Our members spend untold sums in small rural communities while training and competing in your state. The only footprint we hope to leave is financial and personal.

While researching the current proposal LC dog 3, I have listened to several of your committee meeting podcasts as well as read the comments from the interested parties. Basically, I concur with Mr. Aspenlieder on his comments at September 2017 meeting. While doing an internet search, I found only one research study pertaining to dog training on grouse and pheasant populations. It was conducted on the FT. Pierre National Grasslands in South Dakota. It was a three-year study prompted by a few local hunters and an anti-hunting contingent that had more or less the same concerns as the complaints filed with MGFP Dept. that has led to where you are now. I am familiar with that study because I was training my dogs on the Grasslands during that timeframe. The study was designed to prove that dog training during the summer months was harmful to gamebird populations. It took the Grasslands (115,000 acres) and divided them by US Highway 83. On the approximately 40% land mass west of HWY 83 dog training was allowed while the 60% east of HWY 83 was used as the test plot with no training. This automatically increased the training pressure by more than twofold on the western portion of the venue. Even with this bias, the study concluded there was NO EVIDENCE to support that gamebird populations were affected by summer training. The study did conclude that the population variance was due primarily to the weather and grazing practices. After the conclusion of the study, the South Dakota Game, Fish, and Parks Dept proposed to prohibit summer training on public grounds anyway. Consequently, there were several hearings and considerable unrest. They compromised and allowed training 3 days per week until noon with a limitation of 4 dogs per trainer (personally owned). This greatly reduced the amount of training there because of the economics of traveling that far for extremely limited access. I still train there some and never run into anyone else. While limiting the training severely, the gamebird population there has dropped substantially from when there were no restrictions.

LC dog 3 will not accomplish your objectives. It doesn't address weather, habitat management, or land use and these are the things that will determine your gamebird populations. Surely the MGFP realize that there will always be complaints and that using scapegoats never solves a problem. Of the many provisions included in LC dog 3, Section 3 part 2 (b) affects our members the most by practically eliminating field trials on public grounds. The proposed dates will conflict with hunting seasons in the fall and winter weather throughout the winter and spring. One of our member clubs postponed a trial several times this spring due to snow cover. I know of ranches in the Dakotas, Nebraska, and Canada where dog trainers have been going for 50+ years. If this was harmful to the gamebird population, the trainers would either leave or the ranchers would have stopped inviting them back. In conclusion, my fear is that you have been put into a position of legislating a problem that doesn't exist.

Thank you,

David E. Williams

AFTCA President

21 Sherman Blankenship Road

Beech Bluff, TN 38313

901-871-9430- cell

dewilliams1953@outlook.com